



# Telecommunications Law Professionals PLLC

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March 29, 2019

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th St. NW  
Washington, DC 20554

Re: *Ex parte* Presentation of West Telecom Services, LLC  
*Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage*, WC Docket No. 18-156;  
*Implementing Section 503 of RAY BAUM's Act*, WC Docket No. 18-335; *Rules and Regulations*  
*Implementing the Truth in Caller ID Act of 2009*, WC Docket No. 11-39; *Call Authentication Trust*  
*Anchor*, WC Docket No. 17-97; *Implementation of the National Suicide Hotline Improvement Act of 2018*,  
WC Docket No. 18-336

Dear Ms. Dortch:

On Wednesday, March 27, 2019, Robert W. McCausland, VP, Regulatory and Government Affairs, West Telecom Services, LLC ("West"), along Helen E. Disenhaus (participating via teleconference) and myself of Telecommunications Law Professionals PLLC as counsel to West, met with Irina Asoskov, David Zesiger, Gregory Capobianco, Lynne Engledow, and Lisa Hone (participating via teleconference) of the Wireline Competition Bureau. In addition, we met separately with Randy Clarke, Acting Legal Advisor for Wireline and Public Safety to Commissioner Starks; Travis Litman, Chief of Staff and Senior Legal Advisor, Wireline and Public Safety, to Commissioner Rosenworcel; and Evan Swarztrauber, Policy Advisor to Commissioner Carr.

Mr. McCausland provided an introduction to West and some of its affiliates. In connection with describing activities of West's affiliates, Mr. McCausland noted the important voice and text messaging services they offer, and their concern that over-inclusive call blocking practices could lead to misidentification and blocking of important consumer messages.

Mr. McCausland also noted his membership on the North American Number Council ("NANC") and its Call Authentication Trust Anchor ("CATA") Working Group and Numbering Administration Oversight Working Group ("NAOWG"), on the USTelecom Industry Traceback ("ITB") Group, and on the Industry Robocall Strike Force. He provided an update on recent activities of these groups and of cooperative industry efforts, including the role of David Frankel of ZipDX and the leadership of ITB, as well as of FCC staff. The parties then discussed the positions of West in the above-referenced dockets,

relating to 8YY switched access charge reform, Truth in Caller ID reform and anti-spoofing, and the National Suicide Hotline Improvement Act.

**8YY Access Reform.** The parties discussed the potential changes to the originating switched access charge regime, including for the asymmetric 8YY traffic, and the implications of moving 8YY and other originating access to bill-and-keep for intermediate carriers like West, who do not have end-user revenues. The West representatives noted that their comments during the meeting were consistent with and reflected in the West filings submitted in the proceeding.<sup>1</sup> Specifically, West reiterated its concerns with the Commission moving to a bill-and-keep regime for 8YY calling and the resulting loss of intercarrier compensation to competitive intermediate carriers, which play a critical role in completing 8YY calls and the IP transition but which cannot continue to do so without compensation for the use of their networks and the other call routing services that they provide. Mr. McCausland encouraged the Commission to rely on existing mechanisms designed to address the minimal problem of regulatory arbitrage and narrowly target any bad actors, rather than move to bill-and-keep without careful attention to the consequences of applying it to this traffic. West noted its support of NTCA's position in recently filed *ex partes* urging the Commission "to confine any action with respect to intercarrier compensation only to those areas in which clear and convincing evidence on the record confirms concerns exist with respect to particular practices or routing patterns."<sup>2</sup> West also noted its concern that some carriers may exploit their dominant positions in the switched access market to perform self-help rather than follow tariffed bill-dispute provisions, and the damage to the competitive market that could result.

**SHAKEN, Illicit Robocalls, and Call Completion.** Mr. McCausland reported on the status of West's implementation of the STIR/SHAKEN framework and on the status of West's efforts to help enable the industry to effectively prevent, detect, and address illicit automated calling. West is dedicated to deploying SHAKEN and has made significant progress in continuing to aggressively traceback calls and take corrective actions as appropriate. Mr. McCausland stressed the issue of call identification and blocking legitimate and illegitimate calls. Explaining that West continues to aggressively traceback and take corrective actions against illegitimate callers and fraudsters, he also concurred with Microsoft's position encouraging the Commission to "utilize common sense and prosecutorial discretion when making enforcement decisions."<sup>3</sup> Mr. McCausland also briefed the Commission on West's positive call-completion performance and continuing efforts to increase its success rate.

**National Suicide Hotline Improvement Act.** The parties discussed Mr. McCausland's involvement in the NANC and the NAOWG, and his efforts to assist those federal advisory committees in developing their recommendations regarding the possible use of an N11 code or some other dialing code, pursuant to the charge set forth within the National Suicide Hotline Improvement Act of 2018. Additionally, the parties discussed the Commission's one-year timeline to issue its report that recommends whether a particular N11 dialing code or other covered dialing code should be used for a national suicide prevention

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<sup>1</sup> See Comments of West Telecom, Inc., WC Docket No. 18-156 (Sept. 4, 2018); Reply Comments of West Telecom, Inc., WC Docket No. 18-156 (Oct. 1, 2018).

<sup>2</sup> See, e.g., *Ex Parte* of NTCA to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 10-90, 18-155, 18-156 at 2 (filed Feb. 19, 2019).

<sup>3</sup> *Ex Parte* of Microsoft to Marlene H. Dortch, Secretary, FCC, CG Docket No. 17-59, WC Docket Nos. 18-335, 11-39, 17-97 (filed Feb. 8, 2019).

and mental health crisis hotline system. Mr. McCausland presented parties with the attached chart designed by West to assist the NAOWG in completing its mission pursuant to a letter from the Wireline Competition Bureau to the NANC dated February 22, 2019, directing the NANC to report its findings and recommendations on an N11 code for the hotline system.

Sincerely,



Carolyn A. Mahoney  
of TELECOMMUNICATIONS LAW PROFESSIONALS PLLC

Attachment

cc (via email): Irina Asoskov  
David Zesiger  
Gregory Capobianco  
Lisa Hone  
Lynne Engledow  
Randy Clarke  
Travis Litman  
Evan Swarztrauber

Final SAMC Recommendations for National Suicide Hotline Improvement Act Implementation																	Recommended Option (Overall)	
Option	Recommended Code by Option (Pick one code per option.)	Reason for Recommendation Per Option	Service Provider			State			Locality			Federal Government			Pick one of the three Options			
			Steps to Implement	Timelines to Implement	Costs to Implement	Steps to Implement	Timelines to Implement	Costs to Implement	Steps to Implement	Timelines to Implement	Costs to Implement	Steps to Implement	Timelines to Implement	Costs to Implement				
Repurpose Existing Code	x11																	
Expand Existing Code	x11																	
Use New Non-N11 3-Digit Code	xxx																	